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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,910	02/25/2004	Randy Gearhart	3329	4401

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EXAMINER

PARSLEY, DAVID J

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/786,910

Applicant(s)

GEARHART, RANDY

Examiner

David J Parsley

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2-25-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

Claim Objections

1. Claim 12 is objected to because of the following informalities: on line 1 "exhibits" should be - -exhibit- -. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,454,820 to Readle.

Referring to claim 1, Readle discloses a fishing lure enhancement comprising, a plurality of resilient primary projections – the centerline of the projections at 28 which fan out from the head – 18 as seen in figure 1, extending radially from a hub – at 22-27, the hub centered upon a central axis – see figures 1-2, each of the primary projections comprising two or more secondary projections – see the lines projecting from the centerlines of items 28, an aperture in the hub – see figures 1-2, the aperture substantially coincident with the axis – see for example figures 1-2.

Referring to claim 2, Readle discloses a line – at 15, extending through the aperture and a fishing hook – at 30 attached to the line – see for example figures 1-2.

Referring to claim 3, Readle discloses the fishing hook – at 30, is attached to the line – at in close proximity to the hub – see for example figures 1-2 and page 1 lines 101-110.

Referring to claims 4 and 9, Readle discloses a plurality of tertiary projections/legs – the centerlines of projections – at 28 which surround the hook as seen in figure 1, extending radially outward from the hub – at 22-27 – see for example figure 1.

Referring to claims 5 and 10, Readle discloses each of the tertiary projections/legs – at 28, comprise two or more secondary projections/legs – see the lines extending from the centerlines of items 28 in figures 1-2.

Referring to claim 6, Readle discloses a fishing lure enhancement comprising, a central hub – at 23, a plurality of flexible primary legs – the centerline of the projections at 28 which fan out from the head – 18 as seen in figure 1, in a generally common plane – see figures 1-2 where portions of the legs – at 28 are in the same plane, extending radially outward from the hub – at 23, each of the primary legs comprising two or more flexible secondary legs – see the lines projecting from the centerlines of items 28 – see for example figure 1.

Referring to claim 7, Readle discloses means – proximate 18,23 for threaded connection to a flexible line – at 15 – see for example figures 1-2.

Referring to claim 8, Readle discloses a mounting aperture – at 22, extending therethrough – see for example figure 2.

Referring to claim 11, Readle discloses a device for use in association with a fishing lure, the device comprising a central axis – see figure 2, a plurality of coplanar major projections – at

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the centerlines of items 28 as seen in figures 1-2, extending radially from the axis, the projections joined together to form a hub – about 23-25, the major projections comprising two or more minor projections – the lines extending from the centerlines of items 28 in figures 1-2, the major projections adapted to exhibit first order movements and the minor projections adapted to exhibit second order movements – see for example figures 1-2.

Referring to claim 12, Readle discloses the projections – at 28, are adapted to exhibit the movements in response to forces exerted upon the projections during movement of the device through a body of water – see for example figures 1-2 and page 1.

Referring to claim 13, Readle discloses the hub includes an aperture extending therethrough – see figure 2, the aperture dimensioned and configured to enable passage of a line – at 15, therethrough – see for example figure 2.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to skirted fishing lures in general:

U.S. Pat. No. 2,168,894 to Arbogast – shows hub and projections

U.S. Pat. No. 2,523,949 to Gambill – shows lure with projections

U.S. Pat. No. 2,567,180 to Bunkowski – shows lure with projections

U.S. Pat. No. 2,738,610 to Rice – shows lure with projections

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U.S. Pat. No. 2,883,785 to Croft – shows lure with projections

U.S. Des. No. 214,045 to Ziegler – shows lure with projections

U.S. Pat. No. 3,902,266 to Howard – shows lure with projections

U.S. Pat. No. 4,135,323 to Esten – shows lure with projections

U.S. Pat. No. 5,201,859 to Rosek – shows lure with projections

U.S. Pat. No. 5,361,531 to Rodrigues – shows lure with projections

U.S. Pat. No. 6,418,659 to Shelton – shows lure with projections

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J Parsley whose telephone number is (703) 306-0552. The examiner can normally be reached on 9hr compressed.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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David Parsley
Patent Examiner
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PETER M. POON
SUPERVISORY PATENT EXAMINER

6/1/04